

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	Case No. 3:21-cr-128
	:	
Plaintiff,	:	
	:	
vs.	:	District Judge Michael J. Newman
	:	Magistrate Judge Peter B. Silvain, Jr.
GEORGE M. GIBBS, III,	:	
	:	
Defendant.	:	
	:	

**ORDER: (1) REVOKING DEFENDANT’S RELEASE ON BOND; AND (2) DETAINING
DEFENDANT PENDING HIS SENTENCING HEARING ON
AUGUST 18, 2022**

This matter is before the Court following a bond revocation hearing held on May 10, 2022. Defendant and his counsel, Arthur Mullins, were present during the hearing. Assistant United States Attorney Brent Tabacchi appeared for the government. The government moved for an Order revoking Defendant’s bond and detaining him based on evidence that he has violated the conditions of his bond, which he signed on or about September 24, 2021. At the hearing, Defendant admitted to violating the condition of his release requiring him to refrain from possessing a device capable of accessing the internet.

Previously in this case, Defendant entered a plea of guilty to knowing possession of child pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2). (Doc. #s 27, 29). Defendant’s sentencing hearing is set on August 18, 2022. *Id.*

Pursuant to 18 U.S.C. § 3148, a person who has been released on bond under 18 U.S.C. § 3142 and who has violated a condition of his release is subject to a revocation of release and an order of detention. As applicable to the instant case, the Court shall enter an order of revocation and

detention if, after a hearing, two conditions are satisfied. First, the Court must find by clear and convincing evidence that the person has violated a condition of release. 18 U.S.C. § 3148(b)(1)(B). Second, the judicial officer must find either: (1) there is no condition or combination of conditions of release that will assure that the person will not flee or pose a danger to the safety of any other person or the community, or (2) the person is unlikely to abide by any condition or combination of conditions of release. 18 U.S.C. § 3148(b)(2)(A), (B).

For the reasons stated by the Court on the record of the May 10, 2022 hearing, the Court finds by clear and convincing evidence that Defendant failed to abide by the conditions of his release due to his violation of the condition requiring him to refrain from possessing a device capable of accessing the internet. The Court also finds, for the reasons stated on the record, Defendant is unlikely to abide by any condition or combination of conditions of release. *See* 18 U.S.C. § 3148(b)(2)(B).

The Court hereby **REVOKES** Defendant's release on bond, and **ORDERS** Defendant **DETAINED** pending his sentencing hearing on August 18, 2022.

IT IS SO ORDERED.

May 11, 2022

s/Peter B. Silvain, Jr.
Peter B. Silvain, Jr.
United States Magistrate Judge